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Advancement of women

Guatemala, Indonesia and Philippines: draft resolution

Violence against women migrant workers

The General Assembly,

Recalling all of its previous resolutions on violence against women migrant workers and those adopted by the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, and the Declaration on the Elimination of Violence against Women,[1]

Reaffirming the provisions concerning women migrant workers contained in the outcome documents of the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the Fourth World Conference on Women[4] and the World Summit for Social Development[5] and their reviews,

Welcoming the establishment of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and expressing hope that it will robustly support national efforts to end violence against women migrant workers, in the light of the focus of the UN-Women strategic plan, 2011-2013[6] on increasing women's access to economic empowerment, including women migrant and domestic workers, as well as the policy and programmatic work of UN-Women on empowering women migrant workers worldwide and the commitment in the agreed conclusions adopted by the Commission on the Status of Women at its fifty-fifth

[1] See resolution 48/104.
[2] A/CONF.157/24 (Part I), chap. III.
[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.
[4] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.
[5] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.
[6] UNW/2011/9.

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session[7] to implementing gender-sensitive policies and programmes for women migrant workers, ensuring that all women, including care workers, are legally protected from violence and exploitation, providing safe and legal migration channels that recognize women migrant workers' skills and education, and fair labour conditions, and facilitating their productive employment and decent work and integration into the labour force,

Recalling the discussions during the High-level Dialogue on International Migration and Development, held on 14 and 15 September 2006, which recognized, inter alia, the need for special protection for migrant women, and noting that another high-level dialogue on the same theme will be held in 2013,

Welcoming the adoption of Convention No. 189 concerning decent work for domestic workers and Recommendation No. 201 on the same subject by the International Labour Conference on 16 June 2011, at its 100th session and general comment No. 1 on migrant domestic workers, adopted by the Committee on Migrant Workers in December 2010, and calling for the ratification of Convention No. 189 of the International Labour Organization and its implementation, and the implementation of general comment No. 1 on migrant domestic workers and of general recommendation No. 26 on women migrant workers, adopted by the Committee on the Elimination of Discrimination against Women in November 2008, acknowledging that they are complementary and mutually reinforcing,

Recognizing the increasing participation of women in international migration, driven in large part by socio-economic factors, and that this feminization of migration requires greater gender sensitivity in all policies and efforts related to the subject of international migration,

Stressing the shared responsibility of all stakeholders, in particular countries of origin, transit and destination, relevant regional and international organizations, the private sector and civil society, in promoting an environment that prevents and addresses violence against women migrant workers, and in that regard recognizing the importance of joint and collaborative approaches and strategies at the national, bilateral, regional and international levels, especially targeted measures to specifically address discrimination and violence against women migrant workers,

Recognizing that women migrant workers are important contributors to social and economic development, through the economic and social benefits accruing as a result of their work to countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

Recognizing also the particular vulnerability of women and their children at all stages of the migration process, extending from the moment of deciding to migrate and including transit, engagement in formal and informal employment, and integration into the host society, as well as during their return to and reintegration in their countries of origin,

Expressing deep concern at the continuing reports of grave abuses and violence committed against migrant women and girls, including gender-based violence, in particular sexual violence, trafficking, domestic and family violence,

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[7] *Official Records of the Economic and Social Council, 2011, Supplement No. 7* (E/2011/27), chap. I, sect. A.

racist and xenophobic acts, abusive labour practices and exploitative conditions of work,

Recognizing that the intersection of, inter alia, gender, age, class and ethnic discrimination and stereotypes can compound the discrimination faced by women migrant workers, and that violence is a form of discrimination,

Reaffirming the commitment to protect and promote the human rights of all women, including, without discrimination, rural women and indigenous women who migrate for work, and in that regard noting the attention paid in the United Nations Declaration on the Rights of Indigenous Peoples[8] to the elimination of all forms of violence and discrimination against indigenous women, as appropriate,

Concerned that many migrant women who are employed in the informal economy and in less skilled work are especially vulnerable to abuse and exploitation, underlining in that regard the obligation of States to protect the human rights of migrants so as to prevent abuse and exploitation, and observing with concern that many women migrant workers take on jobs for which they may be overqualified and in which, at the same time, they may be more vulnerable because of poor pay and inadequate social protection,

Emphasizing the need for objective, comprehensive and broad-based information, including sex- and age-disaggregated data and statistics, and gender-sensitive indicators for research and analysis, and a wide exchange of experience and lessons learned by individual Member States and civil society in the formulation of targeted policies and concrete strategies to specifically address discrimination, in particular violence against women migrant workers,

Realizing that the movement of a significant number of women migrant workers may be facilitated and made possible by means of fraudulent or irregular documentation and sham marriages with the object of migration, that this may be facilitated through, inter alia, the Internet, and that those women migrant workers are more vulnerable to abuse and exploitation,

Recognizing the importance of exploring the link between migration and trafficking in order to further efforts towards protecting women migrant workers from violence, discrimination, exploitation and abuse,

Encouraged by some measures adopted by some countries of destination to alleviate the plight of women migrant workers residing in their areas of jurisdiction and to promote access to justice, such as the establishment of gender-sensitive protection mechanisms for migrant workers, facilitating their access to reporting mechanisms or providing assistance during legal proceedings,

Underlining the important role of relevant United Nations treaty bodies in monitoring the implementation of human rights conventions and the relevant special procedures, within their respective mandates, in addressing the problem of violence against women migrant workers and in protecting and promoting their human rights and welfare,

1. *Takes note with appreciation* of the report of the Secretary-General;[9]

[8] Resolution 61/295, annex.

[9] A/66/212.

2. *Encourages* Member States to consider signing and ratifying or acceding to relevant International Labour Organization conventions and to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[11] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[12] as well as all human rights treaties that contribute to the protection of the rights of women migrant workers, and to implement the Global Plan of Action to Combat Trafficking in Persons;[13]

3. *Takes note* of the report of the Special Rapporteur of the Human Rights Council on violence against women, its causes and consequences, entitled "Political economy of women's human rights", submitted to the Council at its eleventh session,[14] in particular her elaboration in that report of the current issues of the exploitation and violence that women migrants face in the context of the current global economic trends and crises;

4. *Encourages* all United Nations special rapporteurs on human rights whose mandates touch on the issues of violence against women migrant workers to improve the collection of information on and analysis of the current challenges facing women migrant workers, and also encourages Governments to cooperate with the special rapporteurs in this regard;

5. *Calls upon* all Governments to incorporate a human rights, gender-sensitive and human-development-oriented perspective in legislation, policies and programmes on international migration and on labour and employment, consistent with their human rights obligations and commitments under human rights instruments, for the prevention of and protection of migrant women against violence and discrimination, exploitation and abuse, and to take effective measures to ensure that such migration and labour policies do not reinforce any form of discrimination, including by conducting impact assessment studies of such legislation, policies and programmes and reporting on the impact of measures taken and the results achieved in regard to women migrant workers;

6. *Also calls upon* Governments to adopt or strengthen measures to protect the human rights of women migrant workers, regardless of their immigration status, including in policies that regulate the recruitment and deployment of women migrant workers, to consider expanding dialogue among States on devising innovative methods to promote legal channels of migration, inter alia in order to deter illegal migration, to incorporate a gender perspective in immigration laws in order to prevent discrimination and violence against women, in particular in regard to independent migration and circular and temporary migration, and to permit women migrant workers who are victims of violence to apply for residency permits independently of abusive employers or spouses;

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[10] United Nations, *Treaty Series*, vol. 2220, No. 39481.
[11] Ibid., vol. 2237, No. 39574.
[12] Ibid., vol. 2241, No. 39574.
[13] Resolution 64/293, annex.
[14] A/HRC/11/6.

7. *Urges* Governments to enhance bilateral, regional, interregional and international cooperation to address violence against women migrant workers, fully respecting international law, including international human rights law, as well as to strengthen efforts to reduce the vulnerability of women migrant workers, including by fostering sustainable development alternatives to migration in countries of origin, by facilitating effective access to justice, and effective action in the areas of law enforcement and prosecution, prevention, capacity-building, victim protection and support, and by exchanging information and good practices in combating violence and discrimination against women migrant workers;

8. *Also urges* Governments to take into account the best interests of the child by adopting or strengthening measures to promote and protect the human rights of migrant girls, including unaccompanied girls, regardless of their immigration status, so as to prevent labour and economic exploitation, discrimination, sexual harassment, violence and sexual abuse in the workplace, including in domestic work;

9. *Further urges* Governments, in cooperation with all stakeholders, especially the private sector, including employment agencies involved in recruiting women migrant workers, to strengthen the focus on and funding support for the prevention of violence against women migrant workers, in particular by promoting the access of women to meaningful and gender-sensitive information and education on, inter alia, the costs and benefits of migration, rights and benefits to which they are entitled in the countries of origin and employment, the overall conditions in countries of employment and procedures for legal migration, as well as to ensure that laws and policies governing recruiters, employers and intermediaries promote adherence to and respect for the human rights of migrant workers, particularly women;

10. *Encourages* all States to remove obstacles that may prevent the transparent, safe, unrestricted and expeditious transfer of remittances of migrants to their countries of origin or to any other countries, including by reducing transaction costs and implementing woman-friendly remittance transfer, savings and investment schemes, including diaspora investment schemes, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede women migrant workers' access to and management of their economic resources;

11. *Calls upon* Governments to recognize the right of women migrant workers, regardless of their immigration status, to have access to health care, including emergency health care, and in that regard to ensure that women migrant workers are not discriminated against on the grounds of pregnancy and childbirth and, in accordance with national legislation, to address the vulnerabilities to HIV experienced by migrant populations and support their access to HIV prevention, treatment, care and support;

12. *Urges* States that have not yet done so to adopt and implement legislation and policies that protect all women migrant domestic workers, to include therein robust monitoring and inspection mechanisms, in line with relevant International Labour Organization conventions and other instruments, to ensure compliance with international obligations, and to grant women migrant workers in domestic service access to gender-sensitive, transparent mechanisms for bringing complaints against employers, while stressing that such instruments should not punish women migrant

workers, and calls upon States to promptly investigate and punish all violations of their rights;

13. *Calls upon* Governments, in cooperation with international organizations, non-governmental organizations, the private sector and other stakeholders, to provide women migrant workers who are victims of violence with the full range of immediate assistance, protection and gender-sensitive services that are culturally and linguistically appropriate to which they are entitled in accordance with human rights standards, irrespective of their immigration status, such as access to counselling, legal and consular assistance and temporary shelter, as well as mechanisms to allow the views and concerns of victims to be presented and considered at appropriate stages of proceedings, including other measures that will allow victims to be present during the judicial process, to the extent possible, as well as to establish and expand comprehensive reintegration and rehabilitation schemes for returning women migrant workers and their families;

14. *Also calls upon* Governments, in particular those of the countries of origin and destination, to put in place penal and criminal sanctions in order to punish perpetrators of violence against women migrant workers and intermediaries, and gender-sensitive redress and justice mechanisms that victims can access effectively, as well as to ensure that migrant women victims of violence do not suffer from revictimization, including by authorities, by implementing measures that include allowing women migrant workers with legal claims concerning violations of their rights the option of remaining in the country of destination to pursue their claims;

15. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of women migrant workers and to take action to prevent and punish any form of illegal deprivation of the liberty of women migrant workers by individuals or groups;

16. *Encourages* Governments to formulate and implement training programmes for their law enforcers, immigration officers and border officials, diplomatic and consular officials, prosecutors and service providers, with a view to sensitizing those public-sector workers to the issue of violence against women migrant workers and imparting to them the necessary skills and attitude to ensure the delivery of proper, professional and gender-sensitive interventions;

17. *Also encourages* Governments to ensure coherence between migration, labour and anti-trafficking legislation, policies and programmes, based on a human rights, gender-sensitive and human-development-oriented perspective, to promote safe and legal migration, to ensure that the human rights of women migrant workers are protected throughout the migration process and to prevent violence, prosecute perpetrators and protect and support victims and their families;

18. *Calls upon* States, in accordance with the provisions of article 36 of the Vienna Convention on Consular Relations,[15] to ensure that, if a woman migrant worker is arrested or committed to prison or custody pending trial, or is detained in any other manner, the competent authorities respect her freedom to communicate with and have access to the consular officials of the country of her nationality, and

[15] United Nations, *Treaty Series*, vol. 596, No. 8638.

in this regard to inform without delay, if that woman migrant worker so requests, the consular post of her State of nationality;

19. *Invites* Governments, the United Nations system and other concerned intergovernmental and non-governmental organizations to cooperate towards a better understanding of the issues concerning women and international migration, and to improve the collection, dissemination and analysis of sex- and age-disaggregated data and information in order to assist in the formulation of migration and labour policies that are, inter alia, gender-sensitive and that protect human rights, as well as to aid in policy assessment and to continue to support national efforts to address violence against women migrant workers in a coordinated way that ensures effective implementation, enhances their impact and strengthens positive outcomes for women migrant workers;

20. *Encourages* Governments to formulate policies that: are based on up-to-date, relevant sex-disaggregated data and analysis and the institutionalized engagement of women migrant workers throughout the policy process; are adequately resourced; have measurable targets and indicators, timetables, monitoring and accountability measures, in particular for employment agencies, employers and public officials; provide for impact assessments and ensure multi-sector coordination within and between countries of origin, transit and destination through appropriate mechanisms;

21. *Encourages* concerned Governments, in particular those of the countries of origin, transit and destination, to avail themselves of the expertise of the United Nations, including the Statistics Division of the Department of Economic and Social Affairs of the Secretariat and UN-Women, to develop and enhance appropriate sex-disaggregated national data-collection, analysis and dissemination methodologies that will generate comparable data and tracking and reporting systems on violence against women migrant workers and violations of their rights at all stages of the migration process, and to further study the costs of violence against women, including migrant workers, to the women themselves, their families and their communities;

22. *Further encourages* Governments to utilize the same data and tracking and reporting systems to analyse the opportunities available to women migrant workers and their contributions to development, and support the improvement of macro data on remittances, for appropriate policy formulation and implementation;

23. *Requests* the Secretary-General to provide a comprehensive, analytical and thematic report to the General Assembly at its sixty-eighth session on the problem of violence against women migrant workers and on the implementation of the present resolution, specifically with regard to access to justice for women migrant workers, highlighting the impact of legislation, policies and programmes on women migrant workers and taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization, the United Nations Development Programme, UN-Women, and the United Nations Office on Drugs and Crime, as well as the reports of special rapporteurs that refer to the situation of women migrant workers and other relevant sources, such as the International Organization for Migration, including non-governmental organizations.